

OA 786 of 1997

Noni Gopal Das & 256 others

-VS-

- 1) Union of India, service through the General Manager, Eastern Railway, 17, N.S. Road, Fairlie Place, Calcutta - 700 001.
- 2) Divisional Railway Manager, Eastern Railway, Sealdah Division, Sealdah, Calcutta.
- 3) Senior Divisional Personnel Officer, Sealdah Division, Eastern Railway, DRM's Office, Sealdah, P.O. Sealdah, Calcutta.
- 4) Senior Divisional Operating Manager, Sealdah Division, Eastern Railway, DRM's Office, Sealdah, Calcutta.
- 5) Station Superintendent/Manager, Sealdah Railway Station, Sealdah, Calcutta.

... Respondents

For the Applicant : Mr. T.K. Biswas, Counsel

For the Respondents: Mr. P.K. Arora, Counsel

Date of Order : 27-09-2004

ORDER

MR. SARWESHWAR JHA, AM

Heard Ld. Counsel for both the parties.

2. The applicants have ^{sought} ~~direction~~ being given to the respondents to quash and set aside the impugned order No. EG/Substitutes/ Court Case/E-4(N-4)/SDAH dated 18.12.1996 (Annexure-D) together with other reliefs as claimed in the original application. The applicants had approached this Tribunal earlier vide O.A. No. 515 of 1995 which

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was decided on 17-7-1996. The directions given to the respondents in the said O.A. were that "the respondents shall complete the screening of the applicants, who have not yet been screened within a period of four months from the date of communication of this order. The respondents may call the applicants for screening in batches and the respective dates shall be communicated to their Counsel Mr. P.C. Das and after completion of screening, the result thereof shall also be communicated to the same Counsel within one month from the completion of the screening".

3. The respondents, in compliance of the said directions of the Tribunal, served a letter on Shri P.C. Das, Ld. Counsel for the applicants dated 1-10-1996 intimating him that the respondent authorities have constituted a Screening Committee consisting of three members who will screen the applicants in batches. The dates against the batches were indicated in the said letter.

4. The Ld. Counsel for the applicants was also advised that the applicants may be directed in batches to appear before the Screening Committee in Sr. Divisional Personnel Officer/Eastern Railway, Sealdah's Office on the dates mentioned against the said batches with the documents mentioned in the said letter in original.

5. In pursuance of the said letter, the Screening Committee, as constituted met and screened the applicants in batches as indicated in the said letter. The findings of the Screening Committee are placed at Annexure - D, the conclusion arrived at by the Screening Committee reads as under :

"On carefully going through all the records and facts of the case and documents submitted by the applicants for the purpose of screening, Screening Committee has come to the conclusion that the applicants have never

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worked/been utilised/engaged as substitutes/casual labours in Sealdah Division, nor they could produce any authentic document/record of being dis-engaged substitutes/casual labours of Sealdah Division, as claimed in their petition before the Hon'ble Tribunal, rather they may attempt to build up their case on the basis of forged/tainted documents and falsified the Hon'ble Tribunal. Hence, under no circumstances can they be considered for appointment in the Railways".

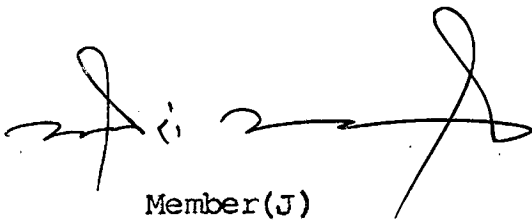
6. From the above, it is observed that the Screening Committee went through all the records and facts of the case and documents submitted by the applicants and came to definite conclusion that the applicant had never worked nor they had been utilised/engaged as substitutes/casual labours in Sealdah Division. It is surprising that the applicants could not even make available the relevant authentic documents/records regarding their engagement/disengagement as substitutes/casual labours in Sealdah Division.

7. It is quite apparent that the Screening Committee undertook detailed exercise in regard to the various aspects of the matter before they arrived at the said conclusion.

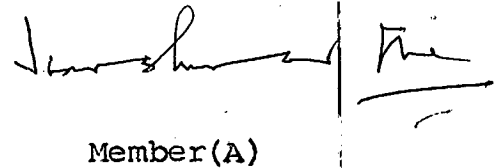
8. What has been submitted ^{by the applicants} in support of their contentions/reliefs prayed for, it is not clear as to on which ground they have found the said conclusion/findings of the Screening Committee not satisfactory. On having been asked whether there is any definite basis for their having filed the original application against the screening which had been done by the respondents in compliance of the order of this Tribunal in O.A. 515 of 1995, the Id. Counsel for the applicants could not convince us of the same.

7. On careful perusal of the submissions as made by the applicants in this O.A., we find that this matter had already

been given thorough consideration and appropriate directions were given while deciding the previous O.A. Therefore, there is nothing left in this O.A. which needs to be adjudicated upon by us. Also having taken note of the fact that the respondents have already complied with the order of the Tribunal as given in the said O.A.515 of 1995 and in which the applicants have been screened batch-wise giving them enough time and opportunity to state their position and submit the relevant documents and in which having failed to prove that they had worked under the respondents, we do not find any reason to interfere with the order of the respondents in any way at this stage. In consideration of this, we accordingly find no merit in this O.A. and, therefore, the same is dismissed. No order as to costs.



Member(J)



Member(A)

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